

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee: Stephen Almeida
Title: Multiple Pulse Photo-Epilator
Serial No.: 09/173,422
Filing Date: October 15, 1998
Patent No.: 6,228,074
Issue Date May 8, 2001

Date:

MAY 21, 2012

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-145

Sir:

SUPPLEMENTAL DECLARATION OF JUNE KAPS IN SUPPORT OF PETITION
UNDER 37 CFR § 1.138 (b) TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF
MAINTENANCE FEE IN EXPIRED U.S. PATENT NO. 6,228,074

1. I, June Kaps, formerly the docket administrator of the firm Brown Rudnick Berlack Israels LLP, and currently being a docket administrator for Seyfarth Shaw, LLP, hereby swear that the expiration of the 6,228,074 ('074) patent for failure to pay the 7.5 year maintenance fee was unavoidable and unintentional for the following supporting reasons:

2. I am a citizen of the United States and am more than twenty-one (21) years of age;

3. I am presently the docketing administrator at the law firm of Seyfarth Shaw LLP ("Seyfarth Shaw") (<http://www.seyfarth.com/>), where I have been employed since May 14, 2007;

4. I have been working in the Intellectual Property (IP) field for 17 years;

5. Before joining Seyfarth Shaw in 2007, I was an IP legal secretary at the law firm of Wolf Greenfield & Sacks P.C. ("Wolf") in its Boston office, from about October 2006 until May 2007;

6. Before joining Wolf, I was the docket administrator at the law firm of Brown Rudnick Berlack Israels LLP. ("Brown Rudnick") in its Boston office from about January 2001 to October 2006;

7. Before joining Brown Rudnick, I was docket administrator at Nutter, McClennen & Fish LLP in its Boston office from about December 1997 to about August 2000;

8. I previously submitted a declaration in the above captioned matter and hereby reaffirm and incorporate my previous statements within my prior declaration;

9. During my employment at Brown Rudnick I was responsible for docketing all patent related matters, including the payment of maintenance fees for issued patents;

10. In my years as a docketing administrator, I found that Brown Rudnick had a complete and reliable system for docketing deadlines pertaining to USPTO proceedings, including deadlines for payment of maintenance fees. Brown Rudnick's docketing system utilized a well known patent docketing software program from Computer Packages, Inc. ("CPI"). We currently use CPI across Seyfarth's national platform to ensure a proper docketing function;

11. As part of my responsibilities at Brown Rudnick, I docketed the maintenance fees for US Patent No. 6,228,074 ('074 Petition Patent)

12. As is a function of CPI software, all maintenance fee dates are automatically generated by the docketing software upon entry of the issue date of a patent;

13. The maintenance fee dates that were automatically generated by the docketing software upon entering the issue date for the '074 Petition Patent, included the maintenance fees for 3.5 years, 7.5 years and 11.5 years;

14. On or about October 29, 2004, Brown Rudnick paid the first, 3.5 year, maintenance fee for the '074 Petition Patent as is reflected in the file wrapper of the issued patent;

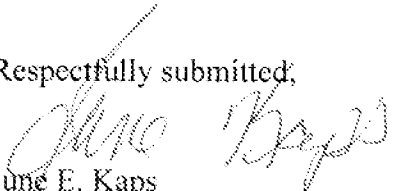
15. The second, 7.5 year, maintenance fee was due for the '074 Petition Patent on or about November 8, 2008, after I had left Brown Rudnick. This second maintenance fee, along with the first, 3.5 year, and third, 11.5 year, maintenance fee was docketed during my employment with Brown Rudnick;

16. I declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true. I further declare that these statements were made with the knowledge and understanding that willful false statements and the like so made are punishable by fine, or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of any revived U.S. patent.

Dated:

5/21/12

Respectfully submitted,


June E. Kaps
Seyfarth Shaw LLP
Two Seaport Lane
Boston, MA